

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:) CERTIFICATE OF MAILING
Hector F. DeLuca et al) I hereby certify that this correspondence is
Application No.: 09/871,227) being deposited with the United States
Filed: May 31, 2001) Postal Service with sufficient postage as
Group Art Unit: 1616) first class mail in an envelope addressed to:
Examiner: Barbara P. Badio) Commissioner of Patents, Washington, D.C.
2-ETHYL AND 2-ETHYLIDENE-19-) 20231, on this 31st day of October, 2002.
NOR-VITAMIN D COMPOUNDS)
)
) Dorothy A. Hauser October 31, 2002
) Dorothy A. Hauser Date
)
)
)

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VCS
11-1701

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Box: Response
Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Patent Office Action dated October 2, 2002, please enter the following in the above-identified patent application:

ELECTION/RESTRICTION:

Applicant herein elects to prosecute claims 1-56 drawn to compounds and compositions. Applicant also elects compound 5b set forth in the specification as the species to be searched. Compound 5b is illustrated on page 32 of the specification and its chemical name is 19-nor-2(Z)-ethylidene-20(S)-1 α ,25-dihydroxyvitamin D₃. Claims 8 and 51-56 read on the elected species.

IN THE CLAIMS:

Please cancel claims 57-116.

Application No.: 09/871,227

REMARKS

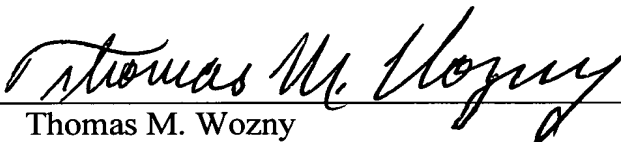
In the Office Action dated October 2, 2002, pending claims 1-116 were subjected to an election/restriction requirement. The Examiner required restriction to one of 12 different groups of inventions. The Examiner also required Applicant to elect a single disclosed species from within the elected group for search purposes.

In response, Applicant has herein elected Group I, i.e. claims 1-56 drawn to compounds and compositions. Applicant has also cancelled the remaining claims 57-116. Finally, Applicant has elected compound 5b, namely 19-nor-2(Z)-ethylidene-20(S)-1 α ,25-dihydroxyvitamin D₃ as the disclosed species in Group I for searching purposes.

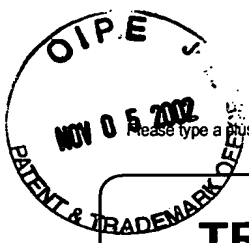
As Applicant believes it has complied with the Examiner's election/restriction requirement, examination on the merits of the elected claims is requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|--|-----------------------------------|
| Application Number | 09/871,227 |
| Filing Date | 05-31-2001 |
| First Named Inventor | Hector F. DeLuca |
| Group Art Unit | 1616 |
| Examiner Name | Barbara P. Badio |
| Total Number of Pages in This Submission | Attorney Docket Number 1256-00765 |

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Request to Rescind Previous Nonpublication Request

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Thomas M. Wozny (Reg. No. 28,992) ANDRUS, SCEALES, STARKE & SAWALL, LLP |
| Signature | <i>Thomas M. Wozny</i> |
| Date | 10-31-2002 |

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| Typed or printed name | Dorothy A. Hauser | | |
| Signature | <i>Dorothy A. Hauser</i> | Date | 10-31-2002 |